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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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24738	7590	04/01/2011		
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EXAMINER				
MCDONALD, SHANTESE L				
ART UNIT		PAPER NUMBER		
3723				
NOTIFICATION DATE		DELIVERY MODE		
04/01/2011		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/580,620

Applicant(s)

BARON ET AL.

Examiner

SHANTESE MCDONALD

Art Unit

3723

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 20 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1 and 4-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1 and 4-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

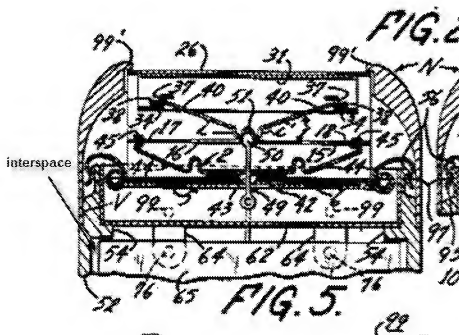
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,4,5,12 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kleinman

Kleinman teaches a shaving apparatus comprising at least one shaving head, 26, including a shaving surface for contacting skin during shaving and at least one cutter, 31, that is moveable behind the shaving surface, a drive structure including a motor, (col. 5, line 57), coupled to the at least one cutter for driving the movement of the at least one cutter, electric power supply means connected to the motor, a housing, (the receptacle for motor, 65 and brackets, 64), containing the motor and at least part of the electric power supply means, a detachable shell structure, 52,53, enveloping at least a circumference of the housing behind the at least one shaving head when mounted to the housing, a shaving head holder support, (upper portion of the cutter housing including ledge, 54), carrying the shaving head holder to which the at least one shaving head is mounted, wherein the shell extends at least from a face against which the at least one shaving head holder support is mounted to a power plug socket, 52", at an end of the housing opposite from the face against which the at least one shaving head holder

support is mounted, wherein the shell structure fully envelops the housing at least between the face against which the at least one shaving head holder support is mounted and the power plug socket, and wherein the housing extends at least from the face against which the at least one shaving head holder support is mounted to the power plug socket fully enclosing a space between the face and the power plug socket, (figs. 1 and 11). Yamaguchi also teaches that the shell structure includes shell portion spaced from the housing such that an interspace is left between the housing and the shell portions, which produces at least one draining passage for draining the interspace between the housing and the shell structure, (see marked figure, the Examiner notes that the interspace creates the draining passage, meaning if a liquid was to enter the interior of the shaver, then the liquid could drain along the interspace/passage).



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6,7,11,13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al. in view of Maraguchi et al.

Kleinman teaches all the limitations of the claims except for at least a portion of the shell structure being of a more impact resistant material than the housing, a portion of the shell structure is of a softer material than the housing, an optical signaling member, and the shell structure including a window via which optical signals generated by the optical signaling member are visible, an assortment of at least two shaving apparatus, and at least two shell structures. Maraguchi et al. teaches an optical signaling member, and the shell structure including a window via which optical signals generated by the optical signaling member are visible, (col. 4, lines 49-53, fig. 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the tool of Kleinman with an optical signaling member, as taught by Maraguchi, in order to enhance the functionality of the tool. It would have been further obvious to provide the tool with least a portion of the shell structure being of a more impact resistant material than the housing, a portion of the shell structure is of a

softer material than the housing, as a matter of obvious design choice. It would have been further obvious to provide an assortment of two shaving apparatuses, since it is well known to manufacture multiple apparatuses. It would have been obvious to provide tow shell structures, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleinman in view of Yamaguchi.

Kleinman teaches all the limitations of the claims except for the housing including at least a first operating member, and the shell structure including at least a second operating member mechanically and electrically connected with the first operating member. Yamaguchi teaches the housing including at least a first operating member, and the shell structure including at least a second operating member, S, mechanically and electrically connected with the first operating member, (col. 3, lines 25-27). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the tool of Kleinman with the above listed limitations in order to enhance the functionality of the tool.

Claims 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleinman in view of Otsuka et al.

Kleinman teaches all the limitations of the claims except for the electric power supply including a battery, a motor and control circuitry and wherein the housing fully

encloses the battery and the motor and the control circuitry between the face and the power plug socket, and the housing being waterproof between the face and the power plug socket. Otsuka et al. teaches a housing, 10, that fully encloses the battery, 95, the motor, 90, and the control circuitry, (fig. 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the tool of Kleinman with the housing, as taught by Otsuka et al. in order to enhance the protection of the battery, motor and control circuitry. It would have been further obvious to provide the tool with the housing being waterproof, as a matter of design choice, and since it is well known in the art of wet and dry shavers to provide the interior with waterproof parts.

Response to Arguments

Applicant's arguments with respect to claims 1,4 -15 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHANTESE MCDONALD whose telephone number is (571)272-4486. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S. L.M.
March 28, 2011

/Joseph J. Hail, III/

Supervisory Patent Examiner, Art Unit 3723